

Information Access Report: January-December 2015

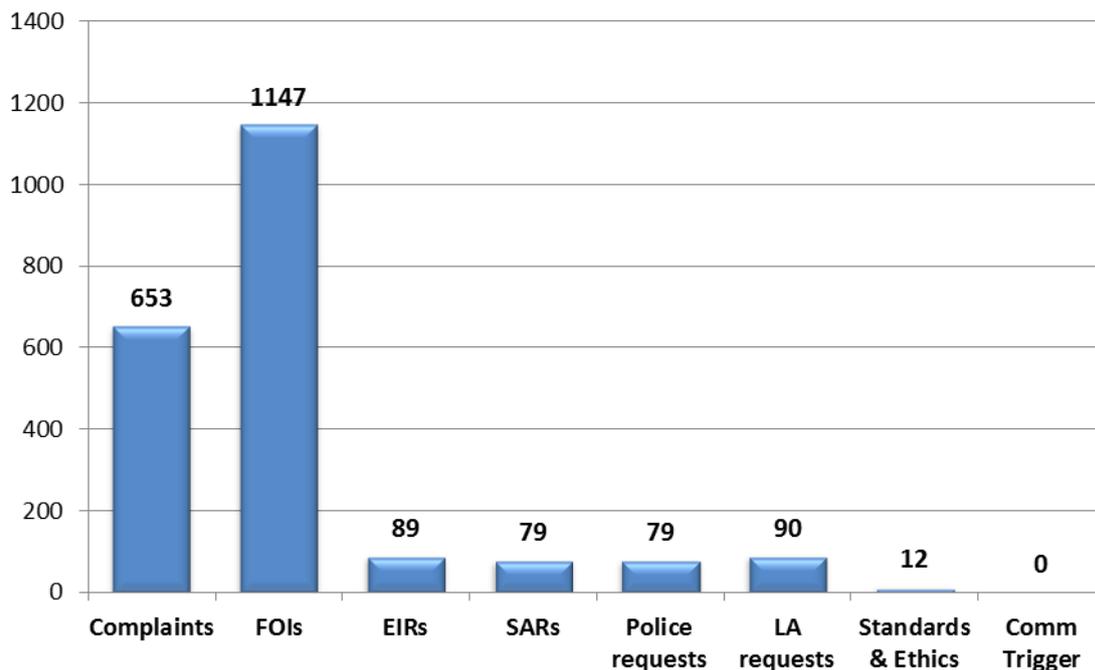
Report for Management Board
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1) Overview

The Information Access Team (IAT) has now had two full years within the Equality, Records & Information Compliance (ERIC) team. In that time, they have continued to deal with the following contacts:

- All formal complaints (excluding children's social care complaints)
- Freedom of Information requests
- Subject Access Requests
- Environmental Information Regulation requests
- Police requests including proof of life requests
- Requests from other authorities to share information
- Standards and Ethics complaints relating to Councillors
- Community Trigger alerts

Total IAT Requests January-December 2015



The graph above shows the number of contacts the team dealt with in 2015. This is a total of 2,149 contacts. The total in 2014 was 2,453.

The team supports the organisation to remain compliant with its statutory duties and timescales. The team is the single point of contact for all formal complaints, and supports the organisation to respond appropriately, fairly and proportionately to all requests for information.

The team is also the single point of contact for the Local Government Ombudsman and the Information Commissioner regarding complaints, Freedom of Information requests and possible data breaches.

2) Complaints

In 2015 we had 34 late responses for corporate complaints. Late responses can open up the organisation to reputational risk and possible penalty from the Local Government Ombudsman (LGO).

Directorate	No complaints	No late responses	% late responses
AWB	75	13	17.3
CWB	70	6	8.6
ECC	265	8	3.0
CEX	1	0	-
Hoople	65	6	9.2
BBLP	122	1	0.8
Focsa	39	0	-
Other	16	0	-
Total	643	34	5.3

The percentage of late responses across all directorate complaints is 5.3%, which is a slight improvement on the 2014 figure of 6.9%.

While there were no striking trends in complaints in 2015, a number of themes emerged, as follows:

- Waste Management- January 2015 saw a number of complaints re. the alternate weekly waste collection regarding non-collection of additional waste over the Christmas period.
- ECC - Complaints regarding long waiting time to get through to Customer Services. Explained re. the 25% reduction in staff and the self-serve options on the website.
- CWB – MASH Team, lack of communication, assessments etc., need for all written communication and records to be worded and recorded appropriately, high turnover of Social Workers and time taken to allocate new ones.
- AWB - Lack of payment of care fees to nursing homes - lack of communication, high turnover of Social Workers and time taken to allocate new ones, need for all written communication and records to be worded and recorded appropriately.

In 2015 the IAT received 32 LGO enquiries, as follows:

Directorate	Outcome
CWB = 4	<ul style="list-style-type: none"> • 1 on hold • 1 upheld – maladministration but no injustice • 2 upheld – maladministration + injustice. LGO recommends (1) to write letter of apology (2) to take complaint to stage 2 of complaints procedure
AWB = 9	<ul style="list-style-type: none"> • 5 not upheld – no maladministration • 1 upheld – maladministration + injustice. The council will review the HELP procedures and on a case-by-case basis consider sharing the interim report with affected parties. The council should also take steps to ensure there is no unreasonable delay in completing safeguarding investigations

Directorate	Outcome
	<ul style="list-style-type: none"> • 1 upheld – maladministration no injustice • 2 at assessment stage
ECC = 13	<ul style="list-style-type: none"> • 4 not upheld - no maladministration • 2 upheld – maladministration + injustice: <ol style="list-style-type: none"> 1. LGO recommendation: The Council has already offered to meet the costs of client's planning application if she submits an application for the Council to approve her detailed proposals. In the event client does submit a detailed application, the LGO advise this would be sufficient remedy for her frustration and time and trouble in relation to the Environment Agency advice. But if she does not put in a detailed application, the Council has agreed to the LGO recommendation it pay her an added £500. This is in recognition of the frustrations he must have felt and the time and trouble the delay in sending her the Environment Agency's advice led to. The Council has agreed to keep this offer open until after the deadline for client filing a detailed proposal application 2017. 2. The Council has already agreed to reimburse the £300 of the pre-application advice in the recognition of the poor standard of this. The LGO considers that Herefordshire Council should also reimburse the £375 for the cost of having the agent draw up revised plans. • 1 upheld maladministration – no injustice • 3 closed after initial enquiries • 2 at assessment stage • 1 being investigated
BBLP = 4	<ul style="list-style-type: none"> • 1 not upheld – no maladministration • 1 upheld – maladministration + injustice. There was a fault because the council did not evidence its decision to refuse client a safety barrier. The Council has reviewed the case and sent client a full explanation. It has also closed the lane to the traffic until it has finished its repairs programmed for next year. • 2 not investigated
Hoople = 2	<ul style="list-style-type: none"> • 1 being investigated • 1 discontinued investigation

Many employees who respond to complaints via the IAT are still failing to complete the “Learning from Complaints” form. This form is mandatory when complaints have been investigated, and helps us to prevent a re-occurrence of poor service.

3) FOIs

In 2015 we had 144 late responses for our Freedom of Information requests. In certain circumstances, the Information Commissioner can compel us to sign an undertaking to improve response rates.

The percentage of late responses across all directorate FOIs is 12.6%, against the 2014 figure of 11.9%.

The table below shows the number of late responses by directorate/organisation:

Directorate	No FOIs	No late responses	% late responses
AWB	186	20	10.8
CWB	217	59	27.2
ECC	407	31	7.6
CEX	3	1	33.3
Hoople	305	26	8.5
BBLP	29	7	24.1
Total	1,147	144	12.6

In this period, two FOI cases were referred by members of the public to the Information Commissioner's Office. Of these, the ICO upheld the council's decision in one case, whilst we are awaiting the ICO's determination in the other.

A number of themes have been identified from the FOIs in this period, as shown below:

Directorate	FOI themes
AWB	<ul style="list-style-type: none"> Independent Living Fund numbers receiving care spend on care services homelessness statistics number of care places budgets public health contracts/spend/budgets
CWB	<ul style="list-style-type: none"> statistics relating to numbers of looked after children number of looked after children missing/trafficked/abused/who are unaccompanied asylum seekers SEN assessments home education Troubled Families Programme foster care fees and placements, budgets number of school places, short breaks
ECC	<ul style="list-style-type: none"> licensing number of Penalty Charge Notices issued and amount in fines received number of planning applications finances for unauthorised school absences public health funerals contracts and spend council properties
Hoople	<ul style="list-style-type: none"> ICT contracts staff sickness business rates datasets agency worker numbers and spend staff numbers ICT cyber security number of compensation claims housing benefits
BBLP	<ul style="list-style-type: none"> costs of street lighting/gritting/grass cutting budgets TRO's

We experience a rise in the number of requests on certain topics depending on local and national issues. Nationally, in the run-up to the elections we received a number of requests relating to voter registration. Also, following comments from politicians on zero hour contracts, requests for the number of council staff employed on such contracts.

We have also received a number of requests from the press regarding pupil violence in schools (usually following national reports of pupil attacks on teachers), and concerns over children/vulnerable adults travelling to Syria, numbers who have been radicalised, numbers of Syrian refugees and concerns over abuse of children in mosques or madrassas.

A number of requests have also been received on local issues, including Hereford United, the Buttermarket, the costs of Colwall School's temporary buildings and Number 1 Ledbury Road. Due to the number of requests received regarding Hereford United and Number 1 Ledbury Road, we have worked with the Communications Team to have responses published to the website, so that they form part of the 'frequently asked questions' information.

Much work has been carried out this year to gain an improved rate of compliance with timescales, targeting teams with poor performance. Further escalation to Directors and/or Management Board will be necessary to ensure that improvements are seen in 2016.

4) EIRs

In 2015 there were 10 late responses to our requests re. Environmental Information Regulations (in 2014, the figure was 19). In certain circumstances, the Information Commissioner can compel us to sign an undertaking to improve response rates.

The table below shows the number of late responses by directorate/organisation:

Directorate	No EIRs	No late responses	% late responses
ECC	57	6	10.5
BBLP	32	4	12.5
Total	89	10	11.2

In this period, one EIR case was referred by a member of the public to the Information Commissioner. In response to the ICO, the council provided further information to the requester. The ICO concluded that the council had failed to comply with Regulation 5(1) and 5(2) of the Environmental Information Regulations (ie. the council did not provide all the information requested within 20 working days, because the service area holding the information had not undertaken sufficient checks to ensure it provided the IAT with all of the information requested). However, the ICO did not issue a decision notice because the council rectified this issue and took steps to prevent a future re-occurrence.

We receive many EIR requests for copies of road inspection reports at specific locations and for documentation relating to specific planning applications (including pre-application advice). A number of requests are also received concerning environmental health sampling results, air and noise pollution statistics.

As with FOIs, local issues also led to an increase in the number of EIR requests received on certain topics, and these are often more complex and voluminous in their nature. This year, we have received a number of requests on controversial planning applications such as those relating to broiler units and Reeves Hill Wind Farm. In the last few months we have also received a number of requests regarding the Southern Link Road and the smallholdings estate.

5) SARs

In 2015 we had 79 subject access requests (compared to 65 in 2014).

There are different reasons for people to make subject access requests. Some are made by individuals with a concern about their involvement with the council, or to support a case such as when family law cases arise over the custody of a child and one parent wishes to gather information to support their case.

There are other reasons that people make requests however, such as children leaving care who wish to have an insight into the circumstances leading to them being taken into care.

These requests can be complex and potentially involve many hours work; for example, one recent request took 120 hours to complete.

The right to request information about oneself is embedded in the Data Protection Act 1998, and there is no cap on the amount of time that must be spent dealing with such requests. They must, however, be dealt with within 40 calendar days.

6) Data Breaches and Incidents

In 2015 there were 88 incidents reported to the Information Governance team (there were 68 in 2014). None of these incidents were serious enough for us to report to the ICO. Information Data Breaches open the organisation up to reputational and financial risk as the ICO can impose a significant financial penalty.

The table below identifies the areas where the incidents have occurred.

Directorate	No of incidents
AWB	13
CWB	41
ECC	17
Hoople	16
Other	1
Total	88

Data breaches are being reporting regularly now to Management Board to ensure that senior management has an awareness of incidents involving confidential data.

7) Police and Other Authority Requests

In 2015 we had 79 police requests and 90 requests from other local authorities. In 2014, the figures were 75 and 44 respectively.

There has been a period of time when the council did not have a SPOC (Single Point of Contact) for police requests due to changes in personnel, however a new SPOC is now in place, albeit as a temporary post. Work has been carried out with Legal Services to ensure correct procedures are being followed when processing police requests, though the legal opinion will have further resource implications for carrying out legally correct responses to these requests.

Most requests from other authorities and organisations to share information concern children's social care, and work has been carried out with Children's Wellbeing to produce procedures around which requests are handled by the ERIC Team and which by Children's Wellbeing.

8) Training and Making Improvements

Eight sessions of face-to-face training on data protection, information security and information sharing have been held with Children's Social Care, as well as four sessions on information sharing for Adults Social Care. A training session on care recording has also been given and further sessions are planned with a revised care recording policy produced for both Adults and Children's Social Care.

A group of multi-agency information governance teams in Herefordshire has been set up and multi-agency training in information sharing is being planned by the group for 2016.

9) Unreasonable Behaviour Policy

We have reviewed and updated the Unreasonable Behaviour Policy (October 2015). We are currently managing the contact of two individuals via this policy, and there are two other cases where warning letters have been sent to individuals requesting them to moderate their behaviour or we will take further action.

The policy has been welcomed by staff, and there is a greater awareness throughout the organisation regarding action that can be taken to support staff when dealing with difficult and vexatious complainants. The policy has been shared with some partners and, in a number of cases, they have adapted it to suit their own organisation.

It has been tested in a case and sent to the LGO, and the LGO has confirmed that it is a workable policy and has supported its use.

One area that we haven't had much success at addressing is the public's use of social media to harass individual officers and the organisation. To date we have had limited redress; we have written letters to individuals who use this medium to harass our staff, requesting them to desist from this type of behaviour, but it has had limited effect.